Alberta Energy Regulator

Hearing Commissioners' Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

hearing.services@aer.ca

Proceeding 432

September 25, 2023

By e-mail only

Urban Development Institute,
Edmonton Metro
Attention: Kalen Anderson,
Executive Director

RE: Reconsideration of the Alberta Energy Regulator's Decision, Dated April 20, 2022
Amended Application No.: 1932335 dated January 14, 2022
Qualico Developments West Ltd.
Reconsideration No.: 1940992
Decision on Participation of Urban Development Institute, Edmonton Metro (UDI-EM)

Dear: Kalen Anderson:

I am writing on behalf of the Alberta Energy Regulator (AER) panel of hearing commissioners presiding over proceeding 432 (the panel). The panel has decided to permit UDI-EM to participate in the hearing of the application, limited to filing written submissions, speaking to its submissions in the hearing and being available for questioning by the panel and parties adverse in interest to UDI-EM.

On July 13, 2023, the AER issued a notice of hearing to reconsider its April 20, 2022, decision on amended application no. 1932335 brought by Qualico Developments West Ltd. (Qualico).

On July 21, 2023, Qualico requested an extension to the deadline for submitting requests to participate. On July 26, 2023, AER amended the notice of hearing and set a filing deadline of August 10, 2023, for requests to participate, and August 17, 2023, for responses to requests to participate.

Qualico, Pembina Pipeline Corporation (Pembina) and Plains Midstream Canada ULC (Plains) were noted as parties to the hearing and asked to confirm their intention to participate in the hearing. On August 10, 2023, Qualico, Pembina, and Plains confirmed their intention to fully participate in the hearing.

On August 8, 2023, the AER received UDI-EM's letter requesting to participate in the hearing, in support of the application. UDI-EM is a non-profit organization in the Edmonton region, with more than 170 member companies in the real estate development industry.

UDI-EM explained that it provides expertise and advocacy on real estate issues, is informed by its membership, and has developed a position on pipeline crossings and cost-sharing, including encouraging its members to exercise rights under the *Pipeline Act* and the *Surface Rights Act*. UDI-EM stated the hearing is important to the industry and region they represent, as pipeline crossings are increasing in the region and pose a financial impediment to development. UDI-EM further stated pipeline protection is critical and cost-sharing agreements are in the public interest as they support affordability in housing development. UDI-EM sought participation in the public hearing to present the views of its industry.

Qualico did not provide a reply to UDI-EM's request to participate in the hearing. Pembina and Plains provided replies to the requests to participate, on August 17, 2023, and both stated that they took no position with respect to the filed requests to participate.

Section 34(3) of the *Responsible Energy Development Act* states that: "... a person who may be directly and adversely affected by the application is entitled to be heard at the hearing". In addition, the *Alberta Energy Regulator Rules of Practice* (Rules) give the hearing panel discretion to permit the participation of persons who have a tangible interest and whose participation will materially assist without materially delaying the proceedings or repeating or duplicating evidence. The participation provisions in the Rules are intended to ensure a fair and efficient process and the development of a complete record that enables the panel to carry out its mandate.

In the panel's view, UDI-EM, as an advocacy organization in the Edmonton region that represents a broad membership in the real estate development industry, has a tangible interest in the subject matter of the hearing, and may materially assist the panel in deciding the application. Furthermore, the panel notes that the parties to this proceeding did not object to UDI-EM's application to participate. For these reasons and subject to further directions or rulings issued by the panel, the panel has decided to permit UDI-EM's participation, limited to the following extent:

- filing written submissions according to the schedule to be set by the panel,
- speaking to its submissions in the hearing, and
- being available for questioning by the panel and by parties adverse in interest to UDI-EM.

The panel encourages participants to seek opportunities to coordinate their efforts with others, if possible, to avoid duplication of evidence and provide for an efficient and timely process. This does not preclude separate submissions and appearances at the hearing.

If you have any questions, please contact the undersigned at hearing.services@aer.ca.

Sincerely,

Elaine Arruda
Hearing Coordinator

cc: D. Brezina and A. Huxley, AER Panel Counsel
G. Fitch, McLennan Ross LLP (Qualico Developments West Ltd.)
S. Munro, Bennett Jones LLP (Pembina Pipeline Corporation)
D. Naffin, Bennett Jones LLP (Plains Midstream Canada ULC)
S. Fash, BILD Alberta
C. Nicholas, MLC Group Inc.
J. Marchese and P. Shaver, Avillia Developments Ltd.
K. Rowe, Cantiro Group LP
S. Duncanson, Osler, Hoskin & Harcourt LLP (Keyera Corporation)
I. Radzichowsky and K. Welland, Secure Energy Services Inc.
E. Dixon and M. Cherkawsky, McLennan Ross LLP (Brookfield Residential (Alberta) LP)
M. Davis, Melcor Developments Ltd.
S. Gerein, Qualico Developments West Ltd.